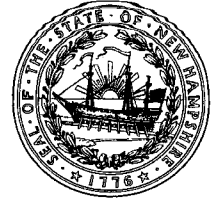




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
SP 06-003**

March 20, 2006

John Deluca
3 Radcliffe Dr
Nashua, NH 03062

RE: DES Wetlands File #2005-01268 68 West Shore Dr, Raymond

Dear Mr. Deluca:

On March 14, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Raymond Tax Map 39-4 as Lot 9 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B and NH Code of Admin. Rules Env Ws 1400-1411.

During the inspection the following deficiencies were documented:

1. A concrete patio was constructed with portions located within 20 feet of the reference line (normal high water mark) and in excess of 150 square feet in area.
2. Two retaining walls extending out from a new foundation were constructed on the lake side of the primary residence, with portions extending within 20 feet of the reference line.
3. A slider for access was installed as part of the new foundation construction on the lake side of the primary residence and potentially requires a waiver from the DES Wetlands Bureau.

Patois and retaining walls are considered accessory structures (that are constructed or erected with a fixed location on or in the ground) can be no closer than 20 feet to the reference line and no larger than 150 square feet in area. Repairs or upgrades of a non-conforming structure, in this case the primary residence with a new foundation, can be accomplished without a waiver, only if the final result is functionally equivalent. Therefore, in response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. The restoration plan should include provisions for reducing the size of the concrete patio, and removing all portions of the patio and retaining walls that are located within 20 feet of the reference line on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with the reference line; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.
3. The addition of the slider for access potentially does not qualify as a functionally equivalent replacement or upgrade of the previous use for the area below the primary residence. Please provide DES with a clear explanation as to how the area below the former primary residence was utilized and specifically how the land transitioned on the lake side of the residence to assist in the review process. Please be advised, following additional review of the file and any information you have provided, DES may require that you submit a waiver application to request retaining the slider for access.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

Letter of Deficiency SP 06-003

March 20, 2006

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All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over a large, bold, black stamp that says "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3105

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Raymond Conservation Commission
Raymond Board of Selectmen
USACOE